

5503. Adulteration and misbranding of clams. U. S. * * * v. 48 Cases of Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8221. I. S. No. 22214-m. S. No. W-176.)

On March 30, 1917, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 cases of clams, consigned by Pettigrew & Zinn, San Francisco, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about March 29, 1917, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Puget Sound Brand Whole Clams packed by H. Van Vlack and Co., Olympia, Wash."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a decomposed animal substance and was unfit for consumption or use.

Misbranding was alleged in substance for the reason that the statements on [the] label of the article gave the impression and were designed to give the impression that the article consisted of pure animal substance, whereas it did not, and said statements were false, misleading, and untrue

On April 23, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, Acting Secretary of Agriculture.